

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

Oklahoma Department of Securities)
ex rel. Melanie Hall, Administrator,)
)
Plaintiff,)
)
v.)
)
Premier Global Corporation et al.,)
)
Defendants.)
_____)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

NOV 29 2022

RICK WARREN
COURT CLERK

42 _____

Case No. CJ-2022-5066

Judge Don Andrews

**RECEIVER'S AMENDED EMERGENCY MOTION TO MAINTAIN HEALTH
BENEFITS**

COMES NOW Receiver Eric L. Johnson ("Receiver"), by and through undersigned counsel, and moves that the Court enter an order authorizing Receiver to maintain certain health insurance benefits related to Defendant Premier Global Corporation on a limited basis. In support of this motion, the Receiver states as follows:

1. On October 31, 2022, this Court entered an Order Appointing Receiver (the "Receivership Order"), appointing Receiver as the receiver of the Receivership Entities.¹
2. Under the Receivership Order, the Receiver has the authority to use property other than in the ordinary course of business pursuant to the Receivership Order and subsequent orders of this Court.
3. The Receiver has been made aware that Premier Global Corporation's insurance coverage is set to lapse on December 1, 2022, if premiums are unpaid.
4. Benefits to be paid total \$15,898.12, which consists of past-due premiums for October and November 2022 as well as the premium for December 2022 (the "Premiums").

¹ Capitalized terms used but not defined shall have the meaning set forth in the Receivership Order.

5. The Receivership Order empowered Receiver to manage the business activities of the Receivership Entities, to use, sell, or lease property other than in the ordinary course of business pursuant to this Court's order, to make such payments as "may be necessary and advisable in discharging his duties." Receivership Order ¶¶ 3, 6, 9. The Receivership Order also authorized the Receiver to "exercise all those powers necessary to implement or incidental to the specific powers, directions, and general authorizations set out in [the Receivership] Order." Receivership Order ¶ 32.

6. The Receiver recommends payment of the healthcare benefits at least for the short term. The Receiver is very much in a diligence period attempting to fully understand the various aspects of this case. It is the Receiver's understanding that if the benefits payment is not made by November 30, 2022, the health coverage will lapse. Paying the Premiums maintains the status quo while the Receiver better understands both the policy and any unintended consequences that may happen if the policy were to lapse. For disclosure purpose, participants under the plan may be considered "insiders" as they would be considered family members of owners and/or officers of the company. Upon receiving the funds from the sale of certain real property, the Receiver will have sufficient funds to bring the premiums current through the end of December.

7. The Receiver, for the reasons stated above, believes that prejudice may result if the benefits are not paid and continuing coverage through December 2022. Notwithstanding the same, the Receiver has not made any determinations with respect to continuance of benefits beyond December of 2022. The Receiver reserves the right to take a different position upon learning more information.

WHEREFORE Receiver moves that the Court enter an order approving and authorizing the Receiver, in his discretion, to make payments related to the healthcare benefits up to \$20,000

and/or reimburse the Receiver for such costs if advanced by the Receiver or his law firm, and for such other and further relief that the Court deems just and proper.

Respectfully submitted,

SPENCER FANE, LLP

By: 

Hilary Allen

OK #16979

Eric L. Johnson

KS #20542

Andrea M. Chase

KS #26307

9400 N. Broadway Extension, Ste. 600

Oklahoma City, Oklahoma 73114

Phone: 405-844-9900

Facsimile: 405-844-9958

Email: hallen@spencerfane.com

ejohnson@spencerfane.com

achase@spencerfane.com

CERTIFICATE OF SERVICE

This will certify that a true and correct of the above and foregoing document was sent email and certified mail, postage prepaid, to:

Patricia A. Labarthe, OBA #10391
Shaun M. Mullins, OBA #16869
Oklahoma Department of Securities
204 North Robinson, Suite 400
Oklahoma City, Oklahoma 73102
Telephone (405) 280-7700
Facsimile (405) 280-7742
plabarthe@securities.ok.gov
smullins@securities.ok.gov
Attorneys for Plaintiff

Mary H. Tolbert, OBA #17353
Tara A. LaClair, OBA #21903
Crowe & Dunlevy
Braniff Building
324 N. Robinson Ave., Ste 100
Oklahoma City, OK 73102
Telephone (405) 235-7700
molly.tolbert@crowedunlevy.com
Attorney for DDI Advisory Group, LLC and Richard Dale Dean

Bryan C. Dixon, Jr., OBA # 32768
Dennis S. Boxeur, OBA # 1017
Rolling Nash, Jr., OBA 1017
Nash Cohenour & Giessmann, PC
4101 Perimeter Center Drive, Suite 200
Oklahoma City, OK 73112
Telephone (405) 917-5000
Facsimile (405) 917-5005
Email: bdixon@nashfirm.com
Attorney for Defendants Elkins & Associates, Inc.
and Clyde Edward Elkins

Jeanette C. Timmons, OBA #9022
Conner & Winters, LP
1700 One Leadership Square
211 N. Robinson Avenue
Oklahoma City, Oklahoma 73102
Telephone (405) 272-5711
Facsimile (405) 232-2695
jtimmons@cwlaw.com

-and-

J. Clay Christensen, OBA #11789
Jonathan M. Miles, OBA #31152
Brock Z. Pittman, OBA
#32853
Whitney Dockrey, OBA #34062
Christensen Law Group, PLLC
The Parkway Building
3401 N.W. 63rd Street, Suite 600
Oklahoma City, Oklahoma 73116
Telephone (405) 232-2020
Facsimile (405) 228-1113
clay@christensenlawgroup.com
jon@christensenlawgroup.com
brock@christensenlawgroup.com
Attorneys for Defendants J&H Holdings, LLC
Kyle Blackburn, Mitzimack, Inc., Erika
Greggs, James Scott Stanley, Edmond
Brokerage, Inc., Brent Lee Worley, Byron
Kent Freeman, and Karen Lynne Freeman



Hilary S. Allen